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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,864	10/19/2005	Serge Le Cocq	33900-176PUS	6674
27799 7590 08/17/2009 COHEN, PONTANI, LIEBERMAN & PAVANE LLP 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176				
EXAMINER SAAD, ERIN BARRY				
ART UNIT		PAPER NUMBER		
1793				
MAIL DATE		DELIVERY MODE		
08/17/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/7/2009 have been fully considered but they are not persuasive.
2. The Applicant argues that Schroeder fails to disclose a metal cover being docked to the body so that the cover faces an end face of the axial wall of the body.

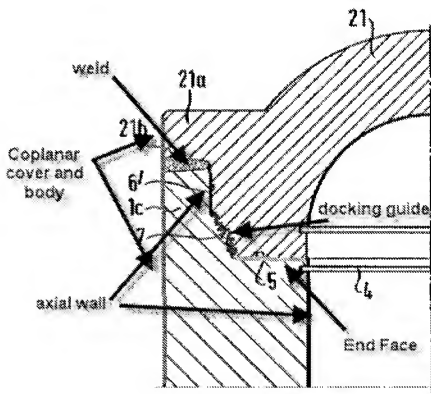
Schroeder was only used as a secondary reference in the rejection dated 6/8/2009. Schroeder was combined with Bienek to disclose that it is well known in the art to use remote controlled welding for joining the cover and body of a container holding hazardous waste for the obvious benefit of preventing human contact with the hazardous material.

3. The Applicant argues that the cover wall 21b of Bienek extends substantially perpendicular to the central axis of the container is welded to a stepped end face of the body. The Applicant argues that the cover wall is welded to the body along a length of the cover wall 21b, not at an end face of the cover wall as required by claim 1. The Applicant also argues that a penetrative weld over the whole thickness of the walls is in question.

As can be seen in the figure below (and in the previous Action), the cover 21 has an axis coaxial with the central axis of the body and at least one end wall parallel to the central axis to be positioned at the top axial end of the body facing the one end face of the wall of the body.

The claim states "producing a continuous penetrative weld over the entire periphery of said cover and said body at the ends of their respective walls which are maintained in contact. The claim does not say welding at the "end face" of their respective walls. The cover 21 and body are maintained in contact and are welded at their ends as shown below.

The argument about the penetrative weld being over the whole thickness of the walls is moot because the claim does not disclose "a penetrative weld being over the whole thickness of the walls". The claim discloses "producing a continuous penetrative weld over the entire periphery of said cover and said body at the ends..."



Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIN B. SAAD whose telephone number is (571)270-3634. The examiner can normally be reached on Monday through Thursday from 8am-5pm Eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Ward can be reached on (571) 272-1223. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. B. S./
Examiner, Art Unit 1793
8/14/2009

/Kevin P. Kerns/
Primary Examiner, Art Unit 1793